

Marion County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code: 5.401	Issued Date: 04/24/01
		Rescinds: 5.401	Issued: 12/15/97

1 The Board has the responsibility to ensure that each school system's employees are in a state of physical
2 condition which will not endanger their personal health or the health of others. Concerns regarding health
3 matters shall be approached within the boundaries of confidentiality.
4

5 The director of schools shall be responsible for developing, revising and implementing the administrative
6 guidelines and procedures for this policy. The director of schools shall be responsible for enforcing this
7 policy by communicating it to all personnel and by providing necessary instruction to all administrators.¹
8

9 **HIV/AIDS TESTING**

10
11 No school official can require any employee to undergo an HIV antibody test or other HIV-related test.
12 This does not preclude school officials from requiring an employee to undergo an examination when
13 another communicable illness is suspected.
14

15 **LIABILITY AND NON-DISCRIMINATION**

16
17 No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/her
18 employment. No disciplinary action may be taken against an employee solely on the basis of HIV infection
19 or AIDS. Action may be taken against an employee only if s/he is disabled and the disability interferes
20 with his/her ability to perform the activities involved in employment duties. The Board shall make
21 reasonable accommodation to enable the employee to perform employment duties as may be required by
22 state² or federal³ law.
23

24 **CONFIDENTIALITY**

25
26 If information is received regarding an employee's HIV status, the director of schools may consult with
27 the school board attorney on the appropriate course of action to pursue, bearing in mind the school system's
28 potential liability for defamation, employment discrimination, and breach of confidentiality requirements.
29

30 Information obtained is confidential and may not be released to anyone except: ²

- 31
- 32 1. Persons named on an Authorization for Release of Confidential HIV-Related Information Form
 - 33
 - 34 2. Persons listed on a court order
 - 35
 - 36 3. Persons authorized to receive such information without a release or court order according to
 - 37 TCA 68-10-113
 - 38

39 **Under no circumstances shall information identifying an employee with AIDS be released to the**
40 **public.**
41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

EDUCATION AND UNIVERSAL PRECAUTIONS

To prevent and manage exposure in the workplace, all school system employees will receive in-service training and education annually regarding HIV/AIDS and OSHA's Bloodborne Pathogens Standard.

COMMUNICATIONS AND PUBLIC RELATIONS

Annually, the Board shall designate an individual who will be responsible for coordinating educational/training programs for all personnel, parents and board members. These programs can utilize the educational/training resources of agencies or private institutions with personnel trained in the areas of HIV/AIDS prevention education.

Legal References:

1. State Board of Education Plan for Addressing AIDS in Tennessee Public Schools, March 1995; TRR/MS 0502-1-3-.08 (2)(g)
2. TCA 68-10-113
3. 20 USC 1232(g); 29 CFR § 1630.13(b)

Cross Reference:

Section 504/ADA Grievance Procedures 1.802